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STATUTORY INSTRUMENTS

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**1994 No. 3067 (S.161)**

**AGRICULTURE**

**The Environmentally Sensitive Areas  
(Scotland) Orders Amendment Order 1994**

*Made - - - - 29th November 1994*  
*Laid before Parliament 9th December 1994*  
*Coming into force - - 30th December 1994*

The Secretary of State, in exercise of the powers conferred on him by section 18(1), (4) and (11) of the Agriculture Act 1986<sup>(1)</sup> and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Environmentally Sensitive Areas (Scotland) Orders Amendment Order 1994 and shall come into force on 30th December 1994.

(2) In this Order “the principal Orders” means the statutory instruments set out in Schedule 1 to this Order.

**Amendment of the principal Orders**

2. The principal Orders shall be amended as follows:—

(a) after article 4 (requirements to be included in agreement) there shall be inserted the following article:—

**“Requirements as to public access**

**4A.** An agreement referred to in article 4 may include the requirements specified in the Annex to the Schedule to this Order as to public access.”;

(b) in article 5 (provisions as to breach of requirements to be included in agreement) after the words “article 4” in each place where they occur, there shall be inserted the words “or 4A”;

(c) after article 7 (payment under agreement) there shall be inserted the following article:—

**“7A.** Where an agreement includes requirements as to public access the Secretary of State may make additional payments of such amounts as may be determined by him.”;

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(1) 1986 c. 49; section 18(4) was amended by S.I.1994/249.

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- (d) after the Schedule (requirements to be included in an agreement as regards land which is the subject of an agreement) there shall be inserted as the Annex thereto—
- (i) in the case of the Orders numbered 1 to 7 inclusive in Schedule 1 to this Order, paragraphs 1 to 12 inclusive of Schedule 2 to this Order;
  - (ii) in the case of the remaining Orders listed in Schedule 1 to this Order, paragraphs 1 to 13 inclusive of Schedule 2 to this Order.

St Andrew's House,  
Edinburgh  
29th November 1994

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

We consent,

29th November 1994

*T J R Wood*  
*Timothy Kirkhope*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

SCHEDULE 1

Article 1(2)

PRINCIPAL ORDERS

Title of Instrument	Number of Instrument and of any amending instrument
1. The Environmentally Sensitive Areas (Loch Lomond) Designation Order 1992	1992/1919; amended by 1992/2062
2. The Environmentally Sensitive Areas (Breadalbane) Designation Order 1992	1992/1920; amended by 1992/2063
3. The Environmentally Sensitive Areas (Central Southern Uplands) Designation Order 1993	1993/996
4. The Environmentally Sensitive Areas (Western Southern Uplands) Designation Order 1993	1993/997
5. The Environmentally Sensitive Areas (Cairngorms Straths) Designation Order 1993	1993/2345
6. The Environmentally Sensitive Areas (Stewartry) Designation Order 1993	1993/2768
7. The Environmentally Sensitive Areas (Central Borders) Designation Order 1993	1993/2767
8. The Environmentally Sensitive Areas (Argyll Islands) Designation Order 1993	1993/3136
9. The Environmentally Sensitive Areas (Machair of the Uists and Benbecula, Barra and Watersay) Designation Order 1993	1993/3149
10. The Environmentally Sensitive Areas (Shetland Islands) Designation Order 1993	1993/3150

SCHEDULE 2

Article 2(c)

REQUIREMENTS AS TO PUBLIC ACCESS

1. The farmer shall make the land available for public access at no charge.
2. The farmer shall maintain free passage over the land.
3. The farmer shall not erect new fences on or adjacent to the land without the prior written approval of the Secretary of State.
4. The farmer shall keep the land and fields crossed by the land free of litter and other refuse.
5. The farmer shall exclude bulls from the land and fields crossed by the land, except for immature bulls under 10 months old.
6. The farmer shall provide and maintain adequate means of entry to the land.
7. The farmer shall affix and maintain appropriate signboards and waymarking.

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8. The farmer shall not permit any of the following activities on the land or on fields crossed by the land:— camping, caravanning, lighting of fires, organised games or sports, or riding or driving of motor vehicles (except for those used for agricultural operations on the land), without the prior written approval of the Secretary of State.

9. The farmer shall agree with the Secretary of State in writing whether the riding of horses or cycles may be permitted on the land.

10. The farmer shall agree with the Secretary of State in writing in advance any specified number of days, up to a maximum to be determined by the Secretary of State, when the farmer may close the land to the public provided signs giving notice of the intended closure and the reasons for it are posted at each entry point to the land at least two weeks in advance of the date of closure.

11. The farmer shall maintain minimum public liability insurance cover in relation to the land of at least £1 million per claim in any one year for the duration of the agreement.

12. In this Annex, “land” means land which is the subject of an access agreement.

13. In this Annex, “farmer” includes a crofter or a grazings committee as the case may be.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends a series of Orders previously made by the Secretary of State which designated various areas of land in Scotland as environmentally sensitive areas.

In terms of section 18(3) of the Agriculture Act 1986 the Secretary of State may enter into a management agreement with any person having an interest in agricultural land in a designated area as to the agricultural practices, methods and operations to be adopted in respect of such land.

This Order enables farmers (including crofters and grazings committees) who enter into an agreement with the Secretary of State to include provision for the management of such land for public access and specifies the requirements as to such access which must be included in the agreement.